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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 14th December, 1977:—

BILL No. 143 OF 1977

A Bill further to amend the Indian Electricity Act, 1910.

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Indian Electricity (Amendment) Act, 1977. Short title.
2. In section 1 of the Indian Electricity Act, 1910 (hereinafter referred to as the principal Act), in sub-section (1), the word "Indian" shall be omitted. Amendment of section 1.
3. In sub-section (2) of section 5 of the principal Act, for the words, brackets, figures and letter "sub-sections (1) and (2) of section 7A, or as the case may be, sub-section (3) of that section", the words, brackets, figures and letter "sub-sections (1), (2) and (3) of section 7A" shall be substituted. Amendment of section 5.
- 4 In section 6 of the principal Act,—
 - (i) after sub-section (5), the following sub-section shall be inserted, namely — Amendment of section 6.
 - "(5A) Where a notice exercising the option of purchasing the undertaking has been served upon the licensee under this section, the licensee shall deliver the undertaking to the State Electricity Board, the State Government or the local authority, as the case may be, on the expiration of the relevant period referred to in sub-section (1) pending the determination and payment of the purchase price:

Provided that in any such case, the purchaser shall pay to the licensee, interest at the Reserve Bank rate ruling at the time of delivery of the undertaking *plus* one per centum on the purchase price of the undertaking for the period from the date of delivery of the undertaking to the date of payment of the purchase price.”;

(ii) sub-section (6) shall be omitted

Amend-
ment of
section 7.

5. In section 7 of the principal Act, for the words, brackets and figures “or under sub-section (6) of section 6”, the words, brackets, figures and letter “or under sub-section (5A) of section 6” shall be substituted

Amend-
ment of
section 7A.

6. In section 7A of the principal Act,—

(i) for sub-sections (1) to (3), the following sub-sections shall be substituted, namely:—

“(1) Where an undertaking of a licensee is sold under sub-section (1) of section 5, the purchase price of the undertaking shall be the book value of the undertaking at the time of purchase or where the undertaking has been delivered before the purchase under sub-section (3) of that section, at the time of delivery of the undertaking

(2) For the purposes of sub-section (1), the book value of an undertaking shall be an amount equal to the sum of—

(i) the original cost of fixed assets available for use and necessary for the purpose of the undertaking;

(ii) the cost of intangible assets, including expenses on account of the new capital issue;

(iii) the original cost of works in progress,

(iv) the cost of stores, materials and supplies including fuel on hand which are required for the purpose of the undertaking,

less—

(a) the amounts written off or set aside on account of depreciation of fixed assets and the amounts written off in respect of intangible assets in the books of the undertaking;

(b) the original cost of service lines or other capital works or part thereof which have been constructed at the expense of the consumers or any other deposits made by the consumers.

Provided that where the State Electricity Board, the State Government or the local authority, as the case may be, exercises an option not to take over any asset of the undertaking acquired by the licensee without the concurrence of the State Government under paragraph XV of the Sixth Schedule to the Electricity (Supply) Act, 1948, the value of such asset shall not be included.

(3) If there is any difference or dispute regarding the determination of the book value of the undertaking under sub-section (2), the same shall be determined by arbitration.

(u) in sub-section (4), for the words, brackets and figures "sub-sections (1) and (2)", the words, brackets and figures "sub-sections (1), (2) and (3)" shall be substituted.

7. After section 7A of the principal Act, the following section shall be inserted, namely:—

Insertion
of new
section
7AA.

"7AA. (1) If a licensee upon whom a notice requiring him to deliver the undertaking to the designated purchaser has been served in pursuance of sub-section (3) of section 5 or a notice exercising the option of purchasing the undertaking has been served under section 6, refuses or fails to deliver the undertaking as required under sub-section (3) of section 5, or under sub-section (5A) of section 6, as the case may be, the State Electricity Board, the State Government or the local authority, as the case may be, may, by order in writing, require the licensee to deliver on or before such date as may be specified in the order, the undertaking to such officer as the State Electricity Board, the State Government or the local authority, as the case may be, may appoint in that behalf and the licensee shall comply with such order.

Power to
take
possession
of under-
taking.

(2) If the licensee fails to comply with an order issued under sub-section (1), the officer appointed under that sub-section may forthwith take possession of the undertaking and may take or cause to be taken such steps and use or cause to be used such force as may, in the opinion of such officer, be reasonably necessary for that purpose.

(3) On the taking over of possession of the undertaking under sub-section (2), the provisions of section 7 shall apply as if the undertaking had been delivered to the State Electricity Board, the State Government or the local authority, as the case may be, under sub-section (3) of section 5 or sub-section (5A) of section 6, as the case may be."

8. In sub-section (2) of section 36A of the principal Act, for clauses (c) and (d), the following clauses shall be substituted, namely:—

Amend-
ment of
section
36A.

"(c) one member to be nominated by the Central Government to represent the Union territory of Delhi;

(d) one member to be nominated by the Central Government to represent the Union territory of the Andaman and Nicobar Islands;"

Amend-
ment of
section 38.

9 In section 38 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely —

“(3) Every rule made under section 37 shall be punishable in the Gazette of India and shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the Session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

Substitu-
tion of
new
section
for
section
39.

10. For section 39 of the principal Act, the following section shall be substituted, namely:—

“39 Whoever dishonestly abstracts, consumes or uses any energy shall be punishable with imprisonment for a term which may extend to three years, or with fine which shall not be less than five hundred rupees but which may extend to five thousand rupees, or with both:

Provided that the court may, for any adequate and special reasons to be mentioned in the judgment, impose a fine of less than five hundred rupees.”.

Amend-
ment of
section
40.

11. In section 40 of the principal Act, for the words “two years”, the words “three years” shall be substituted.

Insertion
of new
section
42A.

12 After section 42 of the principal Act, the following section shall be inserted, namely:—

“42A. Whoever—

(a) being a licensee or an officer or other employee of the licensee, wilfully fails or refuses to deliver to the officer appointed under sub-section (1) of section 7AA, possession of the undertaking of which such officer is entitled to take, or

(b) wilfully obstructs the said officer in entering into possession of the undertaking or taking possession of any of its property,

shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to one thousand rupees, or with both”.

Penalty
for
refusal or
failure to
deliver
possession
of under-
taking
and for
obstruct-
ing the
taking of
possession
thereof.

Amend-
ment of
section
44.

13. In section 44 of the principal Act, for the words “shall be punishable with fine which may extend to five hundred rupees”, the words “shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to one thousand rupees, or with both” shall be substituted.

14. In section 46 of the principal Act, for the words "shall be punishable with fine which may extend to two hundred rupees", the words "shall be punishable with imprisonment which may extend to six months, or with fine which may extend to two hundred rupees, or with both" shall be substituted.

Amendment of section 46.

15. For section 50 of the principal Act, the following sections shall be substituted, namely:—

Substitution of new sections for section 50.

"50. No prosecution shall be instituted against any person for any offence against this Act or any rule, licence or order thereunder, except with the previous sanction of the Electrical Inspector, District Magistrate or Sub-Divisional Magistrate

Institution of prosecutions.

50A (1) An Electrical Inspector may, either before or after the institution of any proceedings, compound any offence punishable under section 39, section 40 or section 44:

Power to compound offences.

Provided that in a case where proceedings have already been instituted in any court, no composition under this section shall be made except with the permission of that court.

(2) Where an offence has been compounded the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded."

16. Section 55 of the principal Act shall be re-numbered as sub-section (2) thereof, and before the sub-section as so re-numbered, the following sub-section shall be inserted, namely:—

Amendment of section 55.

"(1) The Central Government may, by general or special order, authorise the discharge of any of its functions under sub-section (2) of section 34 by an Electrical Inspector."

STATEMENT OF OBJECTS AND REASONS

The Indian Electricity Act, 1910, deals with the supply and use of electrical energy in the country. The Act also prescribes procedure for the purchase and take-over of undertakings of private licensees and procedure for determining the purchase price.

2. With a view to discouraging theft of energy and tampering with meters and electrical installations, the provisions for punishment of such offences are being made more stringent. It is proposed to amend sections 39, 40, 44 and 46 of the Act suitably.

3. The Act, at present, does not contain a specific provision for taking compulsory possession of an undertaking where a licensee refuses or wilfully fails to deliver possession to the State Electricity Board, the State Government or the local authority. It is proposed to incorporate a provision for taking compulsory possession of an undertaking and to provide for suitable penalty for such refusal or failure to deliver possession.

4. Sub-section (6) of section 6 of the Act does not provide for payment of interest on the purchase price of the undertaking for the period between the date of delivery of the undertaking and the date of payment of the purchase price. It is proposed to amend section 6 to provide for the payment of interest for the said period.

5. Section 7A of the Act provides that where an electrical undertaking is sold under section 5, the purchase price of the undertaking shall be the market value of the undertaking at the time of purchase or where the undertaking has been delivered before the purchase under sub-section (3) of section 5, at the time of the delivery of the undertaking, and if there is any difference or dispute regarding such purchase price, the same shall be determined by arbitration. It is proposed to amend this section to provide for payment of book value of the assets of the undertaking which is more realistic instead of the market value.

6. The other amendments proposed are minor and consequential in nature.

7. The Bill seeks to achieve the aforesaid objects.

NEW DELHI;

P RAMACHANDRAN.

The 2nd December, 1977.

BILL No 142 OF 1977

A Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 1977-78

BE it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (No. 4) Act, 1977. Short title
2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of nine hundred and forty-two crores, thirty-seven lakhs and seventy-one thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1977-78, in respect of the services specified in column 2 of the Schedule Issue of
Rs 942.37,
71,000 out
of the
Consoli-
dated
Fund
of India
for the
year
1977-78.
- 3 The sums authorised to be paid and and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appro-
priation.

THE SCHEDULE

(See sections 2 and 3)

1 No. of Vote	2 Services and purposes	3 Sums not exceeding		Total
		Voted by Parliament	Charged on the Consoli- dated Fund	
		Rs.	Rs.	Rs.
2	Agriculture Revenue	10,00,00,000	..	10,00,00,000
	Capital	..	25,00,00,000	25,00,00,000
5	Forest Revenue	1,00,000	..	1,00,000
7	Department of Rural Deve- lopment Revenue	20,00,00,000	83,000	20,00,83,000
12	Chemicals and Fertilizers Industries Revenue	25,01,86,000	..	25,01,86,000
	Capital	3,01,89,000	..	3,01,89,000
16	Foreign Trade and Export Production Revenue	29,00,00,000	32,000	29,00,32,000
	Capital	139,87,00,000	..	139,87,00,000
32	Power Development . . Revenue	6,11,01,000	..	6,11,01,000
	Capital	117,80,00,000	..	117,80,00,000
34	Ministry of External Affairs . Capital	5,38,00,000	..	5,38,00,000
40	Transfers to State and Union Territory Governments . Revenue	121,95,00,000	.	121,95,00,000
	Capital	..	353 05 00 000	353,05,00,000
49	Medical and Public Health . Revenue	4,29,30,000	..	4,29,30,000
	Capital	87,76,000	.	87,76,000
53	Department of Personnel and Administrative Reforms . Revenue	10,92,000	..	10,92,000
56	Other Expenditure of the Ministry of Home Affairs . Revenue	2,000	..	2,000
63	Industries Revenue	5,00,00,000	..	5,00,00,000
	Capital	20,00,000	..	20,00,000
64	Village and Small Industries Capital	4,50,00,000	..	4,50,00,000
82	Ports, Lighthouses and Ship- ping Capital	20,55,00,000	..	20,55,00,000
84	Department of Steel . Capital	1,000	29 00 00 000	29,00,01,000
86	Mines and Minerals . Capital	12,20,79,000	..	12,20,79,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114(1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the supplementary expenditure charged on the Consolidated Fund of India and the grants made by the Lok Sabha for expenditure of the Central Government, excluding Railways, for the financial year 1977-78

H. M. PATEL.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No F.5(53)-B(SE)/77, dated the 1st December, 1977 from Shri H. M. Patel, Minister of Finance and Revenue and Banking to the Secretary, Lok Sabha]

The President, having been informed of the subject matter of the proposed Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the year ending on the 31st day of March, 1978, recommends the introduction of the Appropriation (No. 4) Bill, 1977 in Lok Sabha and also recommends to the Sabha the consideration of the Bill under article 117(1) and (3) of the Constitution read with article 115(2) thereof.

2. The Bill will be introduced in the Lok Sabha after all the Supplementary Demands for Grants for 1977-78 have been voted.

AVTAR SINGH RIKHY,
Secretary.

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		Total
		Voted by Parliament	Charged on the Consoli- dated Fund	
		Rs.	Rs.	Rs.
89	Department of Rehabilita- tion Revenue	3,86,00,000	..	3,86,00,000
100	Atomic Energy Research, Development and Indus- trial Projects Capital	5,00,00,000		5,00,00,000
105	Department of Space Capital	56,00,000		56,00,000
	Total	535,31,56,000	407,06,15,000	942,37,71,000